

# HOUSE BILL No. 1301

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-14-3; IC 10-16-8-16.

**Synopsis:** Volunteer emergency management workers. Provides that certain injuries (including death) incurred by active duty members of the Indiana Guard Reserve and certain volunteer emergency management workers are compensable under the worker's compensation and occupational diseases law.

**Effective:** July 1, 2009.

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**Ruppel, Welch**

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January 13, 2009, read first time and referred to Committee on Labor and Employment.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1301

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-14-3-3, AS AMENDED BY P.L.134-2008,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 3. **(a) Except as provided in subsection (b)**, as  
4       used in this chapter, "emergency management worker" includes any  
5       full-time or part-time paid, volunteer, or auxiliary employee of:

6               (1) the state;

7               (2) other:

8                     (A) states;

9                     (B) territories; or

10                    (C) possessions;

11               (3) the District of Columbia;

12               (4) the federal government;

13               (5) any neighboring country;

14               (6) any political subdivision of an entity described in subdivisions

15                     (1) through (5); or

16                     (7) any agency or organization;

17       performing emergency management services at any place in Indiana

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subject to the order or control of, or under a request of, the state government or any political subdivision of the state. The term includes a volunteer health practitioner registered under IC 10-14-3.5.

**(b) As used in section 15(d) of this chapter, the term means a volunteer who is:**

**(1) a resident of Indiana; and**

**(2) performing emergency management services in a state other than Indiana:**

**(A) according to an order; or**

**(B) at the request;**

**of the governor of Indiana.**

SECTION 2. IC 10-14-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) Any function under this chapter and any other activity relating to emergency management is a governmental function. The state, any political subdivision, any other agencies of the state or political subdivision of the state, or, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker complying with or reasonably attempting to comply with this chapter or any order or rule adopted under this chapter, or under any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, is not liable for the death of or injury to persons or for damage to property as a result of any such activity. This section does not affect the right of any person to receive:

(1) benefits to which the person would otherwise be entitled under:

(A) this chapter;

(B) the worker's compensation law (IC 22-3-2 through IC 22-3-6); or

**(C) the worker's occupational diseases law (IC 22-3-7); or**

~~(D)~~ (D) any pension law; or

(2) any benefits or compensation under any federal law.

(b) Any requirement for a license to practice any professional, mechanical, or other skill does not apply to any authorized emergency management worker who, in the course of performing duties as an emergency management worker, practices a professional, mechanical, or other skill during a disaster emergency.

(c) A volunteer working as an authorized emergency management worker may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7). If compensability of the injury is an issue, the administrative procedures

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of IC 22-3-2 through IC 22-3-7 shall be used to determine the issue.

(d) An injury to, injury to the health of, or death of an emergency management worker is compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury to, injury to the health of, or death of the emergency management worker arises out of and in the course of the emergency management worker's performance of emergency management services in a state other than Indiana. If compensability of an injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-7 must be used to resolve the issue.

SECTION 3. IC 10-16-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) As used in this section, "active duty" means training or duty performed under an order of the governor.

(b) This section does not affect the right of a person to receive:

(1) benefits to which the person would otherwise be entitled under:

(A) this chapter;

(B) the worker's compensation law (IC 22-3-2 through IC 22-3-6);

(C) the worker's occupational diseases law (IC 22-3-7); or

(D) any pension law; or

(2) benefits or compensation under federal law.

(c) An injury to, injury to the health of, or death of a member of the Indiana Guard Reserve is compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury to, injury to the health of, or death of the member arises out of and in the course of the member's active duty.

(d) If compensability of an injury described in subsection (c) is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-7 must be used to resolve the issue.

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